

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZENITH INSURANCE COMPANY,

Plaintiff,

v.

DEERE & COMPANY, et al.,

Defendants.

Case No. 1:24-cv-00999-JLT-EPG

ORDER REGARDING CONSTRUED
STIPULATION OF DISMISSAL

(ECF No. 21)

On September 8, 2025, Plaintiff Zenith Insurance Company filed a “motion for dismissal,” stating as follows: “Pursuant to Fed. R. Civ. Proc. Rule 41(a)(2), plaintiff Zenith Insurance Company hereby moves for the voluntary dismissal of the above-entitled action in its entirety and with prejudice. Defendants do not oppose this motion.” (ECF No. 21, p. 1) (capitalization omitted). While the motion states that Defendants do not oppose it, it is not signed by either of them.

On September 9, 2025, the Court issued an order noting that, while Rule 41(a)(2) permits court-ordered dismissals, different Rules govern voluntary dismissals, and because Defendants answered the complaint and were represented not to oppose a voluntary dismissal by Plaintiff, the Rule that appeared applicable was Rule 41(a)(1)(A)(ii), which permits a voluntary dismissal after an opposing party has filed an answer by the filing of “a stipulation of dismissal signed by all parties who have appeared.” (ECF No. 22, p. 1).

Accordingly, the Court required each Defendant to file a signed document reflecting their approval or disapproval of Plaintiff’s requested dismissal, or, alternatively, for the parties to file a

1 stipulation of dismissal signed by all parties who have appeared under Rule 41(a)(1)(A)(ii). (*Id.* at
2 2).

3 Both Defendants have since filed signed documents stating that they do not oppose
4 Plaintiff's request for dismissal. (ECF No. 23 – “[D]efendant Deere & Company states that it
5 approves Plaintiff's request for dismissal filed on September 8, 2025”; ECF No. 24 – “Defendant
6 PAPÉ MACHINERY, INC. hereby approves of Plaintiff ZENITH INSURANCE COMPANY'S
7 Motion to Dismiss, with prejudice, filed September 8, 2025.”).

8 Accordingly, IT IS ORDERED as follows:

- 9 1. Because all parties have filed a signed document agreeing that this matter be voluntarily
10 dismissed, the Court construes Plaintiff's filing (ECF No. 21) in conjunction with
11 Defendants' filings (ECF Nos. 23, 24) as a stipulation of voluntary dismissal under Rule
12 41(a)(1)(A)(ii).
- 13 2. This action is dismissed with prejudice pursuant to the parties' stipulation.
- 14 3. The Clerk of Court is directed to close this case.

15 IT IS SO ORDERED.

16 Dated: September 22, 2025

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE
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